

Michael A. Licari, Esq. (SBN 265241)
 D'Egidio, Licari & Townsend, APC
 5402 Ruffin Road, Suite #207
 San Diego, Ca 92123
 MLicari@DELTlaw.com
 Phone: 619-550-3020
 Fax: 877-888-6304

Daniel P. Heilbrun, Esq. (SBN 283860)
 The Law Office of Daniel P. Heilbrun, Esq.
 3512 Harding Street, Suite H
 Carlsbad, Ca 92008
 dan@heilbrunlegal.com
 Phone: 858-869-9404
 Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA**

JOHN RICHUISA, an individual,

Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS,
 INC.; and DOES 1 through 10, inclusive,

Defendants.

) Case No.: **'16CV0483 JAH BGS**

) **COMPLAINT AND DEMAND**
) **FOR JURY TRIAL**

I. INTRODUCTION

1) This is an action for damages brought by an individual consumer against Defendants for actual, statutory and punitive damages, and costs and attorney's fees brought pursuant to 15 U.S.C. §1681 *et seq.* (Fair Credit Reporting

1 Act "FCRA") and California Civil Code §1785.25(a) which prohibits unlawful
2 credit reporting.

3 II. VENUE AND PARTIES

4 2) Plaintiff JOHN RICHIUSA is a natural person residing in the State of
5 California, County of San Diego.

6 3) Defendant EXPERIAN INFORMATION SOLUTIONS, INC. at all
7 times relevant was a corporation doing business in San Diego County, California
8 operating from an address at 475 ANTON BLVD., COSTA MESA, CA 92626.
9 EXPERIAN is a "consumer reporting agency" as defined by 15 U.S.C. §1681(f)
10 and is regularly engaged in the business of assembling, evaluating, and disbursing
11 information concerning consumers for the purposes of furnishing consumer
12 reports, as defined in 15 U.S.C. §1681(d) to third parties. EXPERIAN disburses
13 such consumer reports to third parties under contract for monetary compensation.

14 4) The true names and capacities, whether individual, corporate
15 (including officers and directors thereof), associate or otherwise of Defendants sued
16 herein as DOES 1 through 10, inclusive, are unknown to Plaintiff, who therefore
17 sues these Defendants by such fictitious names. Plaintiff is informed and believes,
18 and alleges that each Defendant designated as a DOE is involved in or is in some
19 manner responsible as a principal, beneficiary, agent, co-conspirator, joint venturer,
20 alter ego, third party beneficiary, or otherwise, for the agreements, transactions,
21 events and/or acts hereinafter described, and thereby proximately caused injuries
22 and damages to Plaintiff. Plaintiff requests that when the true names and capacities
23 of these DOE Defendants are ascertained, they may be inserted in all subsequent
24 proceedings, and that this action may proceed against them under their true names.

25 5) Venue in this District is proper in that Defendants transact business
26 here and the Plaintiff resides here.

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III. FACTUAL ALLEGATIONS

6) Beginning in 2007 four (4) State of Ohio County Tax Liens, one (1) Chapter 13 bankruptcy and one (1) missing loan account began appearing on Plaintiff's credit report. These accounts belonged to a third-party with a social security number and a birthday that are not the same as the Plaintiff ("the inaccurate items").

7) In 2008, Plaintiff produced proof that the inaccurate items did not belong to Plaintiff and Plaintiff used this proof to dispute these inaccurate items in writing to the Defendant. From 2008 to present, Plaintiff continued to contact EXPERIAN in writing on several occasions to dispute these inaccurate credit items and requested removal of any indication that these inaccurate items belonged to Plaintiff. EXPERIAN continuously and repeatedly either failed to remove the item or reinserted the inaccurate items back onto Plaintiff's credit. Plaintiff again contacted EXPERIAN in writing in order to dispute these credit items in January of 2016 to wit EXPERIAN refused to remove the inaccurate items.

8) EXPERIAN refused to conduct any investigation into Plaintiff's claims and in fact continued reporting the false information on the credit reports despite Plaintiff's repeated requests to do so.

9) EXPERIAN negligently and repeatedly produced consumer reports with respect to Plaintiff's credit that contained the aforementioned credit items that were not owned by the Plaintiff.

10) EXPERIAN further negligently failed to maintain reasonable procedures designed to avoid the reporting of the incorrect information. In fact, EXPERIAN continued to reinsert and/or failed to remove the inaccurate information over several years despite Plaintiff's requests and showing of proof necessary to rectify the inaccurate information.

11) As a result of EXPERIAN's conduct, Plaintiff has been hindered in his efforts to obtain a home loan.

13) As a result of EXPERIAN's conduct, Plaintiff has been hindered in his efforts to obtain security clearances in order for military career advancement.

14) As a result of EXPERIAN's conduct, Plaintiff suffered damage to his credit worthiness and emotional distress.

(Against Defendants for Violations of the FCRA)

9 15) Plaintiff repeats, realleges and incorporates by reference all of the
10 foregoing paragraphs.

11 16) EXPERIAN violated 15 U.S.C. §1681c by negligently producing
12 consumer reports containing inaccurate information.

13 17) EXPERIAN violated 15 U.S.C. §1681e(a) by failing to maintain
14 reasonable procedures designed to avoid reporting inaccurate information.

15 18) EXPERIAN violated 15 U.S.C. §1681e(b) by failing to establish or to
16 follow reasonable procedures to assure maximum possible accuracy in the
17 preparation of the credit report and credit files it published and maintains
18 concerning Plaintiff.

19 19) EXPERIAN violated 15 U.S.C. §1681i by failing to delete inaccurate
20 information in the Plaintiff's credit file after receiving actual notice of such
21 inaccuracies; by failing to conduct a lawful reinvestigation; by failing to forward all
22 relevant information to furnishers; and by failing to maintain reasonable procedures
23 with which to filter and verify disputed information in the Plaintiff's credit file.

24 20) EXPERIAN's unlawful conduct damaged Plaintiff as referenced
25 above.

26 21) EXPERIAN's unlawful conduct was willful.

27 22) Plaintiff is entitled to recover damages under 15 U.S.C. §§1681n
28 and/or 1681o.

1 23) Plaintiff is further entitled to recover costs and attorneys' fees pursuant
2 to 15 U.S.C. §§1681n and/or 1681o.

3 **V. SECOND CAUSE OF ACTION**

4 **(Against Defendants for Violations of California Credit Reporting Act)**

5 24) Plaintiff repeats, realleges and incorporates by reference all of the
6 foregoing paragraphs.

7 25) EXPERIAN violated California Civil Code §1785.25(a) by negligently
8 producing consumer reports containing inaccurate information.

9 26) Plaintiff is entitled to recovery for an award of actual damages,
10 including loss of wages, attorney's fees and pain and suffering. California Civil
11 Code § 1785.31(a)(1);

12 27) Plaintiff is entitled to recovery for an award of Punitive damages of
13 \$5,000 for each violation of the California Civil Code. California Civil Code §
14 1785.31(a)(2)(B); and

15 28) For any other relief that the court deems proper. California Civil Code
16 § 1785.31(a)(2)(B).

17 **WHEREFORE**, Plaintiff respectfully requests that judgment be entered
18 against Defendants, and each of them, for the following:

19 (a) Actual damages;

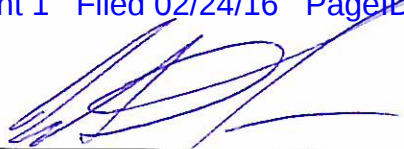
20 (b) Punitive damages;

21 (c) Statutory damages pursuant 15 U.S.C. §1681 and California Civil Code
22 § 1785.31(a)(1);

23 (d) Costs and reasonable attorney's fees pursuant to 15 U.S.C. §§1681n
24 and/or 1681o; and

25 (e) For such other and further relief as the Court may deem just and proper
26 including but not limited to an order to correct the inaccurate credit
27 information.

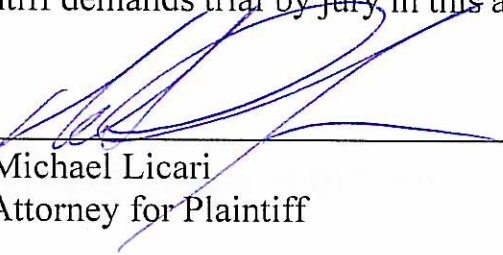
1 Date: 2/23/16


Michael Licari
Attorney for Plaintiff

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4 **DEMAND FOR JURY TRIAL**

5 Please take notice that Plaintiff demands trial by jury in this action.

6
7 Date: 2/23/16


Michael Licari
Attorney for Plaintiff